

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Timothy E. Grib and Michael A. Brown**
Assignee: **WITEL COMMUNICATIONS GROUP, INC.**
Application No.: **09/964,232** Group No.: **2443**
Filed: **September 26, 2001** Examiner: **Kyung H. Shin**
For: **METHOD AND APPARATUS FOR PERFORMANCE
MEASUREMENT OF DIFFERENT NETWORK ROUTES
BETWEEN DEVICES**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION--37 C.F.R. § 41.37)

1. Transmitted herewith, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on February 27, 2009 and the Notification of Non-Compliant Appeal Brief mailed June 18, 2009.

2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief was paid with the original filing of the Appeal Brief on May 22, 2009. Applicant does not believe that there is a fee due with this filing in response to the Notice of Non-Compliant Appeal Brief.

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

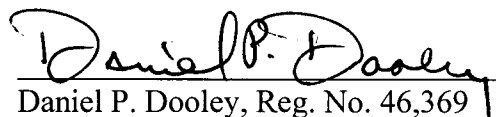
Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

5. FEE DEFICIENCY

If an extension and/or additional fee is required, and if any additional fee for claims is required, charge Deposit Account No. 06-0540.

Respectfully submitted,

Date: 7.20.09



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